



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT

STATE HOUSE ? BOSTON 02133

(617) 727-3600

JANE SWIFT
Governor

By Her Excellency

JANE M. SWIFT
GOVERNOR

EXECUTIVE ORDER NO. 438

STATE SUSTAINABILITY PROGRAM

WHEREAS, the citizens of the Commonwealth of Massachusetts have a constitutional "right to clean air and water...and the natural, scenic, historic, and aesthetic qualities of their environment;"

WHEREAS, the Clean State program, established by Executive Order #350 on February 3, 1993 by Governor William F. Weld, has been largely successful in getting state agencies to come into full compliance with environmental laws and regulations of the Commonwealth;

WHEREAS, there is a need for state agencies to go beyond regulatory compliance and minimize their environmental impacts in areas including, but not limited to, the generation of solid and hazardous waste, the emissions of greenhouse gases and other pollutants, the consumption of energy and water and the use of natural resources;

WHEREAS, the Commonwealth currently promotes environmental protection, resource conservation, new environmental technologies and community preservation through approaches such as the Toxics Use Reduction Act, the Massachusetts Beyond 2000 Solid Waste Master Plan, the New England Governors/Eastern Canadian Premiers 2001 Climate Change Action Plan, the State Buildings Energy Conservation Program, the Community Preservation Initiative, the Massachusetts Zero Mercury Strategy, and the establishment of the Strategic Envirotechnology Partnership, among others;

WHEREAS, long-term environmentally sustainable practices help to ensure that future generations enjoy clean air, clean water, open space and have access to the same, if not better, quality of life our citizens enjoy today;

WHEREAS, state government should lead by example and provide a model for business and private citizens by promoting practices and policies that attempt to minimize or eliminate negative environmental and health impacts and that seek to maintain and improve the environmental, economic and community health of the Commonwealth;

WHEREAS, state agencies, through changes in daily operations, ongoing programs, and long-range planning, are able to simultaneously have a significant positive impact on the environment, economic efficiency of state government, and the character of our communities;

NOW, THEREFORE, I, Jane M. Swift, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me as Supreme Executive Magistrate, do hereby confirm my continued support of Executive Order # 350 and do hereby order that all state agencies shall work diligently and expeditiously to develop and implement policies and procedures to promote environmentally sustainable practices and, to that end, I order the establishment of a State Sustainability Coordinating Council, referred to hereinafter as the Council.

I. Purposes and Functions

The purposes of the Council shall be to develop and maintain a State Sustainability Program, establish sustainability goals, recommend to the Executive Office of Environmental Affairs (EOEA) and the Executive Office for Administration and Finance (EOAF) priorities for the State Sustainability Program, assist in the development of sustainability guidance documents for state agencies and support efforts by state agencies toward sustainability. The Council shall collect, maintain, evaluate and disseminate best environmental practices being undertaken by individual state agencies to promote sustainable environmental practices and procedures throughout all state agencies.

In collaboration with EOEA and EOAF, the Council shall prepare and deliver to the Governor an initial sustainability implementation plan within 6 months of the first meeting of the Council. Said plan shall be updated when necessary.

II. Membership and Meetings

EOEA and EOAF shall each designate a representative to act as co-chair of the Council. The co-chairs shall convene the first meeting of the Council within ninety days of the signing of this executive order, and the Council shall meet monthly thereafter, except when there is need for additional meetings or when such meetings are deemed unnecessary by the Council. The Director of State Sustainability at EOEA and other appropriate staff shall support all activities of the Council. The following agencies shall appoint to the Council at least one representative who shall participate fully in the Council and its operations:

- | | |
|--|---|
| 1. Executive Office for Administration and Finance | 9. Department of Environmental Protection |
| 2. Executive Office of Environmental Affairs | 10. Department of Public Health |
| 3. Executive Office of Health and Human Services | 11. Division of Capital Asset Management |
| 4. Executive Office of Public Safety | 12. Division of Energy Resources |
| 5. Executive Office of Transportation and Construction | 13. Massachusetts Highway Department |
| 6. Board of Higher Education | 14. Metropolitan District Commission |
| 7. Department of Corrections | 15. Office of Technical Assistance |
| 8. Department of Environmental Management | 16. Operational Services Division |

With respect to other state agencies and independent authorities, the co-chairs of the Council shall write to each agency and independent authority and strongly encourage them to participate on the Council in the same manner as the state agencies listed above.

III. State Sustainability Goals

With the assistance of the Council, all state agencies shall develop and implement programs and policies, as well as augment existing programs, that:

- ✍️ Reduce greenhouse gas emissions, minimize solid waste and remove mercury from agency waste streams consistent with the Massachusetts commitment to the New England Governors/Eastern Canadian Premiers 2001 Climate Change Action Plan, the Massachusetts Beyond 2000 Solid Waste Master Plan, the 1998 New England Governors/Eastern Canadian Premiers Regional Mercury Action Plan and the Massachusetts Mercury Elimination Strategy;
- ✍️ Promote the siting, design, construction and management of state facilities in an environmentally sound and resource efficient manner;
- ✍️ Reduce energy consumption through energy efficiency and conservation, and the promotion of changes in employee practices;
- ✍️ Promote the initiation and expansion of integrated pest management practices, in accordance with Executive Order #403;
- ✍️ Decrease water consumption through conservation, efficiency and prevention strategies;
- ✍️ Increase the purchase and use of environmentally preferable products and services, and innovative technologies that reduce the environmental and health impacts of state government;
- ✍️ Continue the clean-up of hazardous waste sites and prompt mitigation of all environmental violations;
- ✍️ Are consistent with regulations and guidelines governing natural resource conservation, protection of open space, habitat protection and restoration, and preservation of natural biodiversity; and
- ✍️ Ensure that planning efforts are consistent with Executive Order #385, Planning for Growth, and support the goals of Executive Order #418, Assisting Communities in Addressing the Housing Shortage.

IV. State Sustainability Advisory Committee

When establishing goals, setting priorities and developing strategies, the Council shall solicit advice from a State Sustainability Advisory Committee, hereinafter referred to as the Committee, made up of representatives of non-governmental entities. The Council shall be responsible for determining the appropriate criteria for membership on the Committee and, within 3 months of its first meeting, shall invite such individuals to serve on the Committee. Members of the Committee shall serve, without compensation, in a strictly advisory capacity to the Council. The Committee shall meet periodically, but not less than twice per year, to provide feedback, ideas and expertise to the Council.

V. Agency State Sustainability Coordinator

Every state agency shall appoint a State Sustainability Coordinator, hereinafter referred to as the Coordinator, within sixty days of the signing of this order. Coordinators shall, where appropriate, sit on the Council or act as the liaison between the Council and their agency, provide information to agency facilities and staff, and coordinate efforts to track and report on sustainability efforts at the agency. Where appropriate, agencies may appoint facility coordinators in addition to the agency coordinator. Coordinators shall be given full management support and provided with the necessary resources to meet the goals of this Order.

VI. Sustainability Program Development

Within one year of the signing of this order, all state agencies shall initiate processes to review internal operations, identify environmental impacts, make recommendations for reducing said impacts and establish short-term objectives and a long range vision of sustainability. Program staff and the Council shall work with agencies to identify appropriate management systems and internal processes, including the provision of training, guidance and other assistance to support these efforts. For agencies with multiple facilities and multiple environmental impacts, an Environmental Management System (EMS) will be the most appropriate method of establishing agency-wide procedures to meet the goals of this Order. The structured approach of an EMS is an effective method of developing and implementing sustainability program goals, policies, roles and responsibilities, lines of communication, internal review processes, and training procedures.

In establishing such management systems, agencies shall, where feasible, incorporate the following steps:

- 1) Develop baseline data on agency environmental impacts and examine existing operations, procedures and requirements
- 2) Set priorities, objectives and targets
- 3) Demonstrate management support for sustainability efforts
- 4) Establish staff responsibilities, provide training, and institute accountability mechanisms
- 5) Develop action plans and procedures
- 6) Track and measure progress
- 7) Establish mechanisms for feedback and review
- 8) Plan for continual improvement

Within two years of the first meeting of the Council, agencies shall complete a written plan that outlines the issues and process described above. Such document shall be submitted to the Council for review and shall be the basis for ongoing efforts to manage environmental efforts at the agency. Agencies shall review and update their plans periodically, but at least on an annual basis.

As part of their decision making processes, agencies shall include, insofar as it can be determined, the full cost implications of sustainability efforts, including both short and long-term costs as well as purchase, operational and disposal costs. In addition, agencies shall consider the time frame within which any incremental initial costs will be paid back from the savings achieved by environmental investments. The Council shall review budgetary policy and make recommendations to the Governor to develop incentives for agencies to undertake environmental improvements that result in long-term cost savings, productivity enhancements or other outcomes deemed appropriate to agency and state sustainability goals.

VII. Tracking and Reporting

For compliance matters, agencies shall meet the same reporting requirements contained in Executive Order #350. This shall include the ongoing identification of any existing and future compliance matters and the reporting of such matters to the Clean State Database or other

reporting systems that serve the same purpose. Such data shall be transparent and available for review by the Attorney General.

Agencies, in cooperation with the Council, shall track and measure the results of sustainability programs on an annual basis. The Council shall submit an annual State Sustainability Report to the Governor, and the Secretaries of EOEA and EOAF, detailing the results and setting goals for the following year. Such report shall be submitted no later than December 1 for the preceding fiscal year. The State Sustainability Report shall be made available to the public via hard copy and the World Wide Web.

VIII. Inter-Agency Cooperation

The Council shall be entitled to and shall receive the cooperation of every administrator and employee of every department, agency, and office of the Commonwealth in fulfilling its purpose and functions.

Given at the Executive Chamber in Boston
This 23rd day of July in the year two thousand and two

Jane M. Swift
Governor
Commonwealth of Massachusetts

William Francis Galvin
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS